**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION III**
**Four Penn Center**
**1600 John F. Kennedy Boulevard**
**Philadelphia, Pennsylvania 19103-2852**

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|---|---|
| **Report Title:** | Clean Water Act Compliance Inspection Report |
| **Inspection Date(s):** | 09/27/2022 |
| **Regulatory Program(s):** | National Pollutant Discharge Elimination System (NPDES) |
| **Type of Activity:** | CAFO |
| **Site/Facility Name:** | Scattered Acres Farm CAFO |
| **Permittee(s):** | Scattered Acres Farm |
| **Site/Facility Operator:** | Harrison Hartman |
| **Site/Facility Address:** | 900 Galen Hall Road<br>Reinholds, PA 17569 |
| **Latitude:** | 40.283333 **Longitude:** -76.104167 |
| **County/Parish:** | Lancaster |
| **General Permit #:** | PAG-12 |
| **Site Specific Permit #:** | PAG123766 |
| **NAICS Code:** | 121111 **SIC:** 0212 |
| **Unique Project #:** | 3E22WN067B |

**Site/Facility Representative(s):** **Point of Contact**

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PETER GOLD — Digitally signed by PETER GOLD Date: 2022.11.30 13:49:00 -05'00' — 11/30/2022

**Report Preparer Signature/Date** — Peter Gold, Enforcement Officer, NPDES Enforcement Section (3ED32) — Date

MARK ZOLANDZ — Digitally signed by MARK ZOLANDZ Date: 2022.11.30 13:59:06 -05'00' — 11/30/2022

**Supervisor Signature/Date** — Mark Zolandz, Acting Section Chief, NPDES Enforcement Section, (3ED32) — Date

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| Attachment A: | Photo Log |
| Attachment B: | Nutrient Management Plan |
| Attachment C: | National Oceanic and Atmospheric Administration Storm Interval Data |
| Attachment D: | Pennsylvania Department of Environmental Protection April 2022 Inspection |
| Attachment E: | NPDES Permit |
| Attachment F: | Pennsylvania Department of Environmental Protection September 2022 Inspection |

## I. Introduction

On September 27, 2022, an inspection team composed of staff from the U.S. Environmental Protection Agency ("EPA") Region III (hereinafter, "EPA Inspection Team") met Pennsylvania Department of Environmental Protection ("PA DEP") Representatives Krista Crone, Kathryn Bresaw and Amy Shull at Scattered Acres Farm CAFO in Reinholds, Pennsylvania ("Facility"). At the Facility, EPA and PA DEP representatives met with Harrison Hartman, Ben Hartman, Diane Hartman and David Zimmerman of Scattered Acres Farm CAFO and Jedd Moncavage of Team Ag, the developer of the Facility's Nutrient Management Plan ("NMP"). The EPA Inspection Team was conducting a joint follow-up inspection of the Facility with PA DEP to reassess observations from EPA's June 2022 inspection and the Facility's compliance with its NPDES General Permit PAG123766 ("Permit").

### A. Inspection Opening Conference

The EPA Inspection Team arrived at the facility at approximately 11:00 AM for the announced inspection. The EPA and PA DEP Inspection Teams were led on the inspection by Harrison Hartman and were joined by Ben Hartman, Diane Hartman, David Zimmerman and Jedd Moncavage. The EPA and PA DEP representatives listed below in Table 1 were at the site for the inspection:

**Table 1. EPA and DEP Representatives**

| Name | Agency | E-mail |
|---|---|---|
| Peter Gold | EPA | Gold.peter@epa.gov |
| Angela Weisel | EPA | Weisel.Angela@epa.gov |
| Krista Crone | PA DEP | kcrone@pa.gov |
| Kathryn Bresaw | PA DEP | Kbresaw@pa.gov |
| Amy Shull | PA DEP | Ashull@pa.gov |

### B. Weather and Precipitation Conditions

During the inspection, weather was overcast and raining in the morning. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

**Table 2. Precipitation Data**

| Station Name | Date | Precipitation Amount (inches)[1] |
|---|---|---|
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/22/2022 | Trace |
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/23/2022 | 0.11 |
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/24/2022 | 0.00 |
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/25/2022 | 0.00 |
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/26/2022 | 0.32 |
| Adamstown 2.5 SSE, PA US US1PALN0003 | 09/27/2022 | 0.00 |

[1] Source: NOAA National Climatic Data Center (http://www.ncdc.noaa.gov/).

### C. Summary of the Site/Facility

Scattered Acres is a dairy farm with a farmstead encompassing 13.1 acres. The farm has 56.5 crop acres on which corn silage is grown and 26.9 acres in which hay is grown.

## II.Site/Facility Activity

The September 27, 2022 inspection was a joint follow-up inspection to reassess observations from the June 2022 inspection. The EPA Inspection Team did not review the Facility's records or current livestock numbers for this inspection. According to the June 2022 Inspection Report, there were a total of 824 cows and 151 calves at the farm in June of 2022. Scattered Acres is a large, concentrated animal feeding operation (CAFO) as defined in Section II Definitions of the permit, which classifies a dairy with over 700 mature dairy cows as a large CAFO.

Scattered Acres Farm CAFO has 4 barns on-site according to the NMP; the Main Barn and Holding Area are on one side of Galen Hall Road, and two calf barns are located just across the street. The Main Barn and Holding Area both have manure storage under the barn (underhouse). The underhouse storage for the main barn has a capacity of 2,915,590 gallons and its dimensions are 373'x112'x10' based on the NMP. The storage area underhouse for the Holding Area is 373'x12'x10' according to the NMP with a capacity of 304,420 gallons.

The floor in the calf barns is not slatted and there is no manure storage beneath the barns. The barns are broken into smaller pens. When the calves are moved to a new pen, the previous pen is cleaned out and manure and bedding is staged/stacked on an uncovered concrete pad for up to 15-days before it is exported or applied to an on-site pasture. The storage is open-air and is exposed to the elements.

The Facility also has Round Tank Manure Storage; this open-air storage area receives wash-water from the milking parlor and low flow silage leachate from the silage bunkers. According to the NMP, this structure is 70'x12'and has a capacity of 316,000 gallons. The dimensions and capacities can be found on Page 2 of Appendix 2 within the NMP.

Farm mortalities are composted on-site in an open area behind the Main Barn. This is an open-air operation. At the time of the June 2022 inspection, it appeared that stormwater flow from the compost area may have been migrating to the front of the compost area and a dirt access road/trail which would lead to a tributary to Little Cocalico Creek.

The Facility also has a 250' x 150' silage bunker. The bunker is split into three sections, unused feed/silage is covered to protect from stormwater, and there is a high/low-flow system. During low flow events, silage leachate would be directed to the Round Tank Manure Storage. During high flow events, flow from the silage leachate area would be discharged to the pasture with the potential to discharge to the Unnamed Tributary to Little Cocalico Creek.

## III. Observations

The following section summarizes the EPA Inspection Team's observations relative to the previous Facility inspection that occurred in June 2022. Scattered Acres Farm CAFO is an NPDES permitted facility, and operations were compared with permit requirements.

### Ensuring Adequate Storage of Manure in NMP and Ensuring Clean Water is Diverted from the Production Area

Part C.I.A.1 of the permit states "The permittee shall implement a site-specific NMP for the land application of manure that is approved by the State Conservation Commission or delegated county conservation district and meets the requirements of 25 Pa. Code Chapter 83, Subchapter D and 40 CFR 122.42(e)(1)(i-ix)….."

Federal regulations at 40 CFR 122.42(e)(1) require the NMP to ensure adequate storage of manure, litter, and process wastewater including procedures to ensure proper operation and maintenance (O&M) of the storage facilities. Federal regulations at 40 CFR 122.42(e)(1) also require the NMP to ensure that clean water is diverted, as appropriate, from the production area.

25 Pa. Code Chapter 83, Subchapter D 83.281.a.9.b.6 the NMP maps should include "The location of proposed or existing structural BMPs, including manure storage facilities on the operation." 25 Pa. Code Chapter 83, Subchapter D 83.281.a.9.b.6 the NMP maps should include "The location of proposed or existing emergency manure stacking areas or in-field stacking locations."

**Observation #1:**

The EPA Inspection Team was unable to find the stacking/staging of manure and bedding from the calf barn pens on the concrete pad by the Calf Barns in the NMP or on the NMP Maps (Appendix B – NMP Operator Map). The EPA Inspection Team was unable to find the storage capacity of this feature in the NMP.

During the June 2022 Inspection, Facility Operators informed the EPA Inspection Team that this material does not stay on the pad for over 15 days, but it was common practice for the bedding and manure from the calf pens to be stored on this concrete pad. If material from this storage area would be entrained in stormwater runoff, there is the potential for it to migrate off the concrete pad and towards the paved driveway and roadway where it can eventually lead to the Unnamed Tributary to Little Cocalico Creek.

After the September 2022 Inspection, PA DEP developed an inspection report with requested corrective actions. In this report, PA DEP requested that the Facility operators add the temporary manure stacking area to the east of the calf barn to the NMP. Photographs P9270018 and P9270020 of Appendix A document the conditions observed at the time of inspection.

**Potential Discharge from a Manure Storage Facility**
Part C.V.A.1 of the Permit states "…. Manure storage facilities must be structurally sound, watertight, and located and sized properly to prevent discharges to surface waters for any storm up to and including the design storm event identified in Part A.1.A of the general permit."

**Observation #2:**

At the time of the June 2022 Inspection, the EPA Inspection Team did not observe any cover, berms, or collection devices around the manure and bedding pile by the Calf Barns. At the time of the September 2022 Inspection, the conditions remained unchanged. If material from this storage area would be entrained in stormwater runoff, there is the potential for it to migrate off the concrete pad and towards the paved driveway and roadway where it can eventually lead to the Unnamed Tributary to Little Cocalico Creek. Photographs P9270018 and P9270020 of Appendix A document the conditions observed at the time of inspection. An aerial photograph of the farm has been included in Appendix A showing potential drainage paths from the Calf Barn manure and bedding storage pad.

**Potential Discharges from Feed Storage**
Part C.VI.A of the Permit states "The permittee shall implement measures and/or BMPs to prevent the discharge from raw material storage to areas, including feed storages, to surface waters."

**Observation #3:**

During the June 2022 Inspection, the EPA Inspection Team observed stormwater discharges from the high/low-flow system by the silage area. The discharge was being sent to pasture which was within approximately 220 feet from the Unnamed Tributary to Little Cocalico Creek based on a 2018 Google Earth image.

At the time of the September 2022 Inspection, Harrison Hartman of Scattered Acres Farm informed the EPA Inspection Team that the high/low-flow system was not operational at the current time due to electrical issues and a contractor has been contacted for the repair, though a timetable was not set up. As seen during the June Inspection, one of the walls of the silage storage facility was tearing away from the others, creating a crack in the structure and potentially allowing stormwater and silage to mix and discharge directly to pasture and the Unnamed Tributary, circumventing the high/low-flow system.

After the September 2022 Inspection, PA DEP developed an inspection report with requested corrective actions. In this report, PA DEP has requested the Facility operators to submit a CAP that will have a timeline for the high/low-flow system to be functioning and identifies how and when the Facility operators will address the failing silage bunker wall, including interim measures taken to address this prior to the permanent measures. PA DEP has also requested the Facility operators to perform routine maintenance o the high/low-flow system, including removal of all debris from the discharge area of the

system. Photographs P9270004, P9270005, P9270006, P9270008, P9270009 and P9270010 of Appendix A document the conditions observed at the time of inspection.

**Runoff from the Compost Area**Part C.VI.A of the Permit states "The permittee shall implement measures and/or BMPs to prevent the discharge from raw material storage to areas, including feed storages, to surface waters."

**Observation #4**

At the time of the June 2022 Inspection, stormwater was observed pooling and discharging to the front of the composting pile. Conditions of the compost pile remained the same during the September Inspection with less pooling of water. The Operator Map in the NMP shows the vegetative treatment area for the composting pile to be in the rear of the compost pile. If the material drained to the front of the compost pile, it could potentially circumvent the vegetative treatment area.

After the September 2022 Inspection, PA DEP developed an inspection report with requested corrective actions. In this report, PA DEP requested that the farm perform maintenance to the compost area and install a berm to the front of the composting pile. Photographs P9270001, P9270002 and P9270003 of Appendix A document the conditions observed at the time of the inspection.

**IV. Records Review**

The Inspection Team reviewed the general permit, the April 2022 PA DEP Inspection, Pennsylvania Regulations and Federal Regulations and PA DEP's September 2022 Follow-Up Inspection Report.

**V.Closing Conference**

There was a closing conference held with the operator where the preliminary observations of the inspection were discussed. The inspection concluded at 12 p.m. EDT.